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International Labour Conventions
and
Canadian Legislation Concerning
Young Persons
Pt. II

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Canada. Labour, Dept. of Legislation Branch

(C A N A D A, D E P A R T M E N T O F L A B O U R)

INTERNATIONAL LABOUR CONVENTIONS
AND
CANADIAN LEGISLATION CONCERNING YOUNG PERSONS

pt
II. Night Work

III. Medical Examination for Employment

LEGISLATION BRANCH

January, 1948.



INTERNATIONAL LABOUR CONVENTION STANDARDS AND CANADIAN
LEGISLATION CONCERNING YOUNG PERSONS

II. Night Work

A. International Labour Conventions

Night Work of Young Persons (Industry) Convention (No. 6),
1919.

The Night Work (Young Persons) Convention, 1919, applies to "industrial undertakings", i.e. mines and quarries, factories including shipbuilding, construction, and transport by road or rail.

"Night" is at least 11 consecutive hours including the interval from 10 p.m. to 5 a.m.

Prohibited: night work by persons under 18.

Permitted: night work by those over 16 and under 18 in certain industries, which, because of the nature of the process, must be carried on continuously:

- (a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process);
- (b) Glass works;
- (c) Manufacture of paper;
- (d) Manufacture of raw sugar;
- (e) Gold mining reduction work.

Exceptions to the Convention: coal and lignite mines and the baking industry.

In coal and lignite mines work may be carried on between 10 p.m. and 5 a.m., if an interval of 15 hours ordinarily, and in no case of less than 13 hours, separates two work-periods.

In the baking industry where night work is prohibited for all workers, the barred interval for young persons may be 9 p.m. - 4 a.m. instead of 10 p.m. - 5 a.m.

In emergencies which interfere with the normal working of the undertaking, the night-work prohibition is not to apply to persons between 16 and 18. In a serious emergency, when the public interest demands it, the night-work prohibition may be suspended by the Government for persons between 16 and 18.

Night Work of Young Persons (Non-Industrial Occupations)
Convention (No. 79), 1946

The Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946, applies to young persons employed in all occupations other than industrial, agricultural or maritime.

Prohibited interval for night work:

(1) For children under 14 who are admissible for full-time or part-time employment, and for those over 14 who are required by law to attend school, at least 14 consecutive hours, including the interval from 8 p.m. to 8 a.m.

National laws or regulations may substitute another 12-hour interval, beginning not later than 8.30 p.m. nor ending earlier than 6 a.m.

(2) For children over 14 (not required to attend school) and under 18, at least 12 consecutive hours, including the interval from 10 p.m. to 6 a.m.

In exceptional circumstances, after consultation with employers' and workers' organizations, interval between 11 p.m. and 7 a.m. may be substituted for that between 10 p.m. and 6 a.m.

Exceptions to the Convention:

National laws or regulations may exempt domestic service in private houses and employment in family undertakings not deemed harmful to young persons.

In countries where climate makes day work trying, night period may be shorter than that prescribed, if compensatory rest is granted during the day.

National laws or regulations may provide for granting of individual licences (1) for night work to young persons of 16 and over when special needs of vocational training require it, but daily period of rest must be not less than 11 consecutive hours; (2) to young persons under 18, the minimum age to be prescribed, to perform at night, but not after midnight, in public entertainments or in the making of cinematograph films where such work is not dangerous to life, health or morals.

When licences are granted, strict safeguards must be prescribed to ensure kind treatment and to avoid injury to health, morals or education.

Consecutive rest period of at least 14 hours must be allowed.

In a serious emergency, when the national interest demands it, night work prohibition may be suspended by the Government for persons of 16 and over.

In order to ensure the enforcement of the provisions of this Convention national laws or regulations must:

(a) provide for a system of public inspection and supervision;

(b) require every employer to keep records showing names, dates of birth and hours of work of all employees under 18, and, in the case of young persons working in the streets or in places to which the public have access, the hours of service agreed upon in the contract of employment;

(c) provide suitable means of assuring identification and supervision of persons under 18 engaged in occupations carried on in the streets or public places;

(d) provide penalties applicable to employers or other responsible adults for breaches of such laws or regulations.

B. Provincial Legislation

1. Industrial Undertakings

No Province stipulates directly a minimum period of rest as the Conventions require..

The three Prairie Provinces have clauses in Child Welfare Acts dealing with night work of young persons, but only the Manitoba Act applies to those over 16.

Alberta

Child Welfare Act provides penalties for employing child under 16, 9 p.m. - 8 a.m. and for causing child to be employed, and stipulates that child under 16 habitually so employed may be taken into custody.

British Columbia

Bake-shops -- No person under 18 may be employed
9 p.m. - 5 a.m.

Manitoba

Factories -- No girl under 17 may be employed
10 p.m. - 7 a.m.

Child Welfare Act makes it offence to employ "habitually" child under 18, 9 p.m. - 6 a.m. or to cause or permit child under 18 to be employed 9 p.m. - 6 a.m. Child so employed may be taken into custody.

Nova Scotia

Factories -- No child under 16 may be employed 9 p.m. - 6 a.m.

Ontario

Factories -- No boy under 16 or girl under 18 may be employed 6.30 p.m. - 7 a.m., except with permit. If overtime is permitted, prohibited hours are 9 p.m. - 6 a.m.

Where two day-shifts are permitted for these workers, prohibited hours are 11 p.m. - 6 a.m.

Quebec

The Industrial and Commercial Establishments Act permits the Lieutenant-Governor in Council to exempt from its operation such establishments as he may deem proper.

Industrial establishments -- No boy or girl under 18 may be employed 6 p.m. - 6 a.m., except with permit. If overtime is permitted, work is prohibited 9 p.m. - 6 a.m.

Where two day-shifts are permitted, hours prohibited by Act are 11 p.m. - 6 a.m.

Where women and boys under 18 are permitted on a two-shift or three-shift system by O.C. 758 of May 16, 1947, no boy under 18 and no woman may work longer than 8 hours or beyond midnight or before 6 a.m.

Saskatchewan

Factories -- No boy or girl under 18 may work after 6.30, except with permit. If overtime is permitted, work is prohibited 10 p.m. - 7 a.m.

Child Welfare Act provides penalty for causing or procuring child under 13 to be employed 10 p.m. - 6 a.m. Child under 16 employed during such hours may be taken into custody.

2. Non-Industrial Undertakings

Manitoba

Shops and offices - On the day before a statutory holiday and from December 14-24, inclusive, no boy under 17 or girl under 18 may be employed 10 p.m. - 8 a.m.

Ontario

Shops and restaurants - No boy under 16 or girl under 18 may be employed 11 p.m. - 7 a.m., except with permit from inspector.

Quebec

Commercial establishments in cities or towns of over 10,000 people - No boy or girl under 18 may be employed 11 p.m. - 7 a.m. On day before Christmas, day before New Year's and on the day before Easter Sunday prohibited hours are from 10 p.m.

3. Street Trades

Alberta

Municipal councils may pass by-laws for licensing children under 18 as messengers, shoe-shiners, newsboys and vendors of small wares.

No licence may be granted to a child under 12 nor, except with parents' consent, to child under 15.

No licensee may work after 8 p.m. December-February, nor after 9 p.m. March-November.

The following may be taken into custody:

(1) girl of any age, boy under 12, or boy under 14 without parents' consent, who is selling newspapers or other articles in street or public places at any time during the day or night; (2) child under 18 found carrying on street trade after 9 p.m.

Manitoba

Municipal councils may pass by-laws for licensing children under 18 as messengers, newsboys, vendors of small wares or shoe-shiners.

No licence to girl under 18, to boy under 12, nor, except with parents' consent, to boy under 14.

No licensee may work after 8 p.m. December - February, nor after 9 p.m. March - November.

Ontario

No boy under 16 may engage in street trade 10 p.m. - 6 a.m.

Penalty for causing child under 16 to be in public place to perform or sell articles 9 p.m. - 7 a.m.

Child over 10 may be licensed for public entertainments under proper safeguards.

Child under 16 may be taken into custody who is carrying on street trade after 9 p.m.

Quebec

Child between 14 and 16, if able to read and write fluently or if attending night school, may sell newspapers or carry on street trade but not after 8 p.m.

Saskatchewan

Municipal councils may pass by-laws for licensing children as messengers, newsboys, vendors of small wares and boot-blacks.

No licence to girl under 18, to boy under 12, nor, except with parents' consent, to boy under 14.

No female licensee may engage in street trade 7 p.m. - 7 a.m.

No male licensee may engage in street trade after 8 p.m., December - February or after 9 p.m., March - November.

III. Medical Examination for Employment

A. International Labour Conventions

Medical Examination of Young Persons (Industry) Convention (No. 77), 1946.

The Medical Examination of Young Persons (Industry) Convention, 1946, applies to young persons employed in "industrial undertakings".

Includes mines and quarries, factories including shipyards and electrical plants, construction, and transport by road, rail, inland waterway or air.

Young persons under 18 must not be admitted to employment unless they have been found fit for the work by a thorough medical examination by a qualified physician.

Fitness for employment is to be certified either by medical certificate or by endorsement on the work permit or in the workbook.

The document certifying fitness for employment may be issued subject to specific conditions of employment and may cover a specific job or group of jobs.

The medical examination is to be carried out without expense to the child or his parents.

During continued employment, there must be at least annual examinations up to the age of 18.

National laws or regulations must provide for the special circumstances in which a re-examination is required in addition to the annual examination or at more frequent intervals to ensure effective supervision in respect of the risks involved in the occupation and of the health of the child as shown by previous examinations.

In occupations with high health risks, medical examinations and re-examinations to determine fitness for employment must be required to at least the age of 21 years.

National laws or regulations must specify the occupations in which examinations are required up to 21 years.

The Government authority must take measures for vocational guidance and physical and vocational rehabilitation for young persons found by medical examination to be unfit for certain types of work or to have disabilities. The nature and

extent of such measures are to be determined by the authority which must arrange for co-operation between labour, health, educational and social services for this purpose.

National laws or regulations may provide for temporary work permits or medical certificates or those requiring special conditions of employment in cases where fitness for employment is not clearly determined.

The employer must file and keep available to labour inspectors either the medical certificate or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

National laws or regulations are to determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

Nothing in this Convention is to affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Medical Examination of Young Persons (Non-Industrial Occupations) Convention (No. 78), 1946.

The Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946, applies to young persons employed in all occupations other than industrial, agricultural or maritime.

National laws or regulations may exempt from the application of this Convention work in family undertakings which is recognized as not dangerous to the health of young persons.

Provisions of this Convention are similar to those of Convention No. 77, above.

National laws or regulations must determine measures of identification to be adopted for ensuring that young persons engaged in itinerant trading or in other occupations carried on in the streets or in places to which the public have access

Table I - Estimates of Numbers of Technical
Personnel in Canada by
Occupational Groups(a)

Occupational Group	Estimated Numbers
Architecture	1,900
Civil Engineering	8,500
Electrical Engineering	6,900
Forestry and Forest Engineering	1,950
Mechanical Engineering	7,200
Mining Engineering	2,800
Metallurgical Engineering	1,100
Geological Engineering and Sciences	1,400
Physics and Engineering Physics	2,400
Mathematics	900
Chemical Engineering	3,200
Chemistry	3,400
Aeronautical Engineering	400
Agriculture and Agricultural Engineering	6,300
Biology	1,200
Geography	150
Veterinary Medicine	1,300
Home Economics	3,300
Miscellaneous (General Science, etc.)	2,300
TOTAL	59,000

(a) Technical Personnel Records

Table II - Enrolment and Graduates in Engineering
Canada - 1920-1955

Years	Enrolment	Graduates
1921	2,354	338
1931	3,543	440
1940	4,445	715
1941	4,331	753
1942	4,482	694
1943	5,434	777
1944	4,948	758
1945	5,302	749
1946	10,884	1,007
1947	13,609	1,096
1948	14,373	1,690
1949	12,874	2,999
1950	10,549	3,598
1951	8,266	2,427
1952	7,325	1,639
1953	7,285	1,275
1955	Not known	1,300 (estimated)

SOURCE: Biennial Surveys of Higher Education in Canada - Dominion Bureau of Statistics: figures for 1952 and 1953 from Canadian universities.

Table III - Data Concerning Engineering and Scientific Personnel from
the Canadian Technical Personnel Register, December, 1953.

(All figures represent percentages of the following numbers - Civil Engineers 4833; Electrical 4258; Mechanical 4503; Mining & Metallurgy 2349; Chemistry & Chemical Engineering 4844; Physics 921; Geology 696; Biology 1120.)

Training Level		Civil Engineers	Electrical Engineers	Mechanical Engineers	Mining & Metallurgy Engineers	Chemistry & Chemical Engineers	Physics	Geology	Biology
Never attended university.....		9.7	8.5	10.3	8.0	1.3	0.3	-	0.3
Attended university, did not graduate.....		4.8	2.1	2.3	3.2	1.5	0.5	0.6	0.3
Bachelor's degree.....		79.0	83.6	81.7	79.5	67.4	34.1	38.8	34.7
Master's degree.....		6.0	5.2	5.3	6.9	14.8	36.7	30.3	33.1
Doctor's degree.....		0.5	0.6	0.4	2.4	15.0	28.4	30.3	31.6
Age Groups									
Over 65.....		9.2	2.8	3.5	3.8	0.6	0.2	2.6	0.7
61 - 65.....		11.2	3.9	4.6	4.5	1.8	0.8	2.3	2.8
56 - 60.....		6.9	5.1	5.0	5.5	3.6	2.0	3.0	4.2
51 - 55.....		7.6	9.6	7.5	9.4	5.2	3.1	5.6	5.6
46 - 50.....		9.4	10.5	8.8	11.2	7.0	4.9	8.2	8.3
41 - 45.....		9.3	11.1	13.1	15.7	11.4	9.0	13.1	10.9
36 - 40.....		10.9	13.9	15.0	21.4	18.4	18.1	22.4	15.1
31 - 35.....		17.2	21.3	22.7	16.3	25.9	26.4	17.8	21.2
26 - 30.....		17.7	21.3	19.4	11.7	24.6	32.7	24.0	26.6
21 - 25.....		0.6	0.5	0.4	0.5	1.5	2.7	1.0	4.6
Not recorded.....		-	-	-	-	-	0.1	-	-

Function	Civil Engineers	Electrical Engineers	Mechanical Engineers	Mining & Metallurgy Engineers	Chemistry & Chemical Engineers	Physics	Geology	Biology
Research.....	1.8	2.5	2.5	6.6	21.7	41.6	21.1	52.3
Development.....	2.4	8.0	6.9	8.6	11.4	5.2	22.3	0.6
Designing, draughting.....	19.1	15.0	17.5	1.5	1.2	0.6	0.4	0.1
Testing, inspection, laboratory services...	2.3	5.3	2.2	4.6	16.3	1.6	1.0	15.2
Installation, erection.....	1.3	4.3	2.6	0.5	0.4	0.3	0.1	-
Production.....	0.8	2.2	5.8	11.0	9.5	1.2	4.2	1.0
Operation.....	1.9	6.0	3.4	8.4	3.0	18.8	5.3	0.4
Maintenance.....	0.8	5.3	7.1	0.1	0.4	0.2	0.3	-
Construction.....	21.5	2.6	1.2	0.1	0.4	-	-	-
Layout and location.....	0.4	5.6	2.8	3.1	0.1	0.4	2.7	-
Administrative and executive.....	9.0	7.6	9.3	7.1	5.8	1.7	2.7	2.1
Supervision and management.....	16.2	18.5	18.5	33.8	16.1	7.1	11.4	2.6
Teaching, extension work, writing.....	2.1	2.2	1.8	2.0	5.0	19.2	12.5	24.1
Sales and service.....	1.8	10.1	12.6	2.6	6.5	0.2	0.3	0.4
Consulting.....	5.8	2.4	4.2	6.0	0.7	0.7	12.8	0.2
Personnel, safety and efficiency.....	0.3	1.2	0.7	3.0	0.6	0.3	-	0.4
Accounting.....	0.1	0.2	0.2	0.3	0.1	-	-	0.1
Other - various.....	0.4	1.0	0.7	0.7	0.8	0.9	2.9	0.5

Employer Type (where now employed)	Civil Engineers	Electrical Engineers	Mechanical Engineers	Mining & Metallurgy Engineers	Chemistry & Chemical Engineers	Physics	Geology	Biology
Primary Industries (other than mining).....	0.1	0.2	0.2	0.1	0.3	0.3	0.1	0.5
Mining.....	0.9	0.6	0.9	45.8	1.2	5.6	26.4	0.3
Manufacturing.....	13.2	38.2	69.2	31.3	67.8	8.9	22.0	4.6
Construction (all types).....	17.8	3.2	3.3	1.1	0.2	0.1	0.1	-
Transportation and Communication.....	7.0	15.7	2.2	0.3	0.4	0.4	0.3	0.2
Public Utilities (other than Trans.&Comm.)..	6.7	24.8	2.8	1.0	0.5	0.4	0.6	0.1
Trade (retail & wholesale).....	0.6	0.7	2.4	0.7	0.9	0.4	0.9	0.5
Finance, Insurance & Real Estate.....	1.7	0.1	0.4	0.1	0.1	0.3	0.1	0.2
Education.....	2.3	1.9	1.7	1.9	6.9	22.9	12.5	29.3
Consulting.....	11.5	3.6	7.3	7.8	1.0	3.1	11.2	0.4
Government Federal Civilian.....	11.8	4.7	4.7	4.3	10.8	42.8	10.9	36.3
Government Federal Armed Forces.....	1.3	2.3	1.8	0.4	0.5	2.5	0.7	0.5
Government Provincial.....	13.2	1.0	0.8	2.7	2.2	1.0	7.2	10.6
Government Municipal.....	10.2	1.1	0.8	-	0.5	-	-	0.7
Various.....	0.2	0.9	0.4	0.2	2.4	2.5	-	9.3
Not recorded (some taking post-grad. work).	1.5	1.0	1.1	2.3	4.3	8.8	7.0	6.5

